

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Kremeaka Donyell McClain,

Case No. 23-cv-494 (KMM/DTS)

Plaintiff,

v.

**ORDER**

Experian Information Solutions, Inc,

Defendant.

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Kremeaka Donyell McClain commenced this litigation earlier this year. In her complaint, Ms. McClain alleges that Experian Information Solutions, Inc. (“Experian”) violated 15 U.S.C. §1681 because it failed to remove accounts from her credit history. [ECF No. 2.] On March 30, 2023, Experian filed a motion to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6). [ECF No. 7.] For the reasons that follow, the motion to dismiss is denied as moot and this matter is dismissed without prejudice.

The Court held a hearing in this matter on May 24th. During the hearing, the Court gave Ms. McClain the opportunity to choose whether she preferred to file a response to Experian’s motion to dismiss or have the Court grant the motion to dismiss without prejudice, allowing Ms. McClain to bring a fresh Complaint. [Hearing Minutes, ECF No. 13.] On the same day, the Court referred Ms. McClain to the FBA Pro Se Project. [Referral Letter, ECF No. 14.] Ms. McClain later informed the Court that she would consult with an attorney from the pro se project. [Order in Response to Email, ECF No. 15.] The Court gave Ms. McClain additional time to confer with counsel and notify the Court and opposing

counsel of her next steps. [*Id.*] On June 30th, Ms. McClain informed the Court that she wants to dismiss the case without prejudice to allow herself to refile in the future. [Email, ECF No. 16.] The Court will treat Ms. McClain's email as a Notice of Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). That notice operates to dismiss this matter without prejudice without further Order from the Court. The Court therefore denies the pending Motion to Dismiss as moot and instructs the Clerk that this matter has been voluntarily dismissed.

Date: July 5, 2023

*s/Katherine Menendez*  
Katherine Menendez  
United States District Judge